

39

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET SUCR 2011-10040

COMMONWEALTH

v.

BARRY SPENCER

---

**COMMONWEALTH'S MOTION TO REVOKE BAIL PURSUANT TO MASS. GEN. L.  
CH. 276 § 58B**

---

Now comes the Commonwealth in the above-captioned matter and requests that this Court revoke the defendant's bail for failing to comply with conditions of pre-trial release. As reasons therefore, the Commonwealth states as follows:

1. The defendant's bail was set at \$1,500 cash on December 5, 2012;
2. The defendant defaulted on April 5, 2013;
3. The defendant removed his default on April 8, 2013;
4. On April 8, 2013, the Commonwealth sought additional cash bail to ensure the defendant's appearance. That request was denied, however the court did amend the defendant's conditions of release to include checking in weekly with probation;
5. The defendant defaulted again on May 23, 2013;
6. The defendant has violated the court's conditions of release by failing to check in weekly with probation and by failing to appear for his court dates;
7. M. G. L. ch. 276 § 58 gives the court the power to set pre-trial conditions of release and – as a recourse to any violation of said condition – ch. 276 § 58B gives the court the power to revoke bail.


8. The defendant has repeatedly demonstrated that he is "unlikely to abide by any condition or combination of conditions of release." ch. 276 § 58B.

For the reasons stated above, the Commonwealth requests that the court revoke the defendant's bail.

RESPECTFULLY SUBMITTED  
FOR THE COMMONWEALTH

DANIEL F. CONLEY  
DISTRICT ATTORNEY

By:

  
Benjamin Megrian  
Assistant District Attorney  
One Bulfinch Place  
Boston, Massachusetts 02114  
BBO #: 672954

DATE: May 30, 2013